



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas E. Mungavan et al. Confirmation Number 5809  
App. No.: 10/036,642  
Filed: December 31, 2001  
Title: DIGITAL DISTRIBUTION SYSTEM FOR DYNAMIC MEDIA  
Art Unit: 2153  
Examiner: A. Strange  
Docket No.: C27-002-01-US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

DECLARATION UNDER 37 CFR §1.131

I James R. Hakomaki do hereby declare the following:

1. I am an Attorney of Record for the above-captioned patent application.
2. I prepared and filed the amendment and response to the Office Action dated December 7, 2005, which included a Declaration of Mr. Thomas E. Mungavan (hereinafter Mungavan).
3. The broad and unclear statement in the Mungavan declaration; reading "*On or about Dec 26, 2000, the system was functioning and delivering subscriptions to*

CERTIFICATE OF MAILING

"Express Mail" Mailing Label No.: EV 970930798 US Date of Deposit: mar. 8, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop: AF, the Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450

James R. Hakomaki  
(Type or print name of person mailing paper or fee)

James R. Hakomaki  
(Signature of person mailing paper)

*customers.*" was in a preliminary draft made before more complete information was obtained from the Applicant, subsequently lined through for deletion, and inadvertently included in the Declaration as submitted.

4. As presently known and as advised by Applicant, the "system" referenced with respect to the Dec. 26, 2000 time frame in the Mungavan Declaration was actually a subsystem being developed by Applicant, but which was not incorporated into the final product, which is the subject of the above-identified patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date March 8, 2007

By: James R. Hakomaki  
Declarant